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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,878	01/30/2001	Sachiko Hiyoshi	010031	9017

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EXAMINER

WEINSTEIN, STEVEN L

ART UNIT	PAPER NUMBER
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1761

DATE MAILED: 04/22/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771878

Applicant(s)

HIYOSHI

Examiner

S. WEINSTEIN

Group Art Unit

1761

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☒ Responsive to communication(s) filed on 2/4/03

☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-5

is/are pending in the application.

Of the above claim(s)

is/are withdrawn from consideration.

☐ Claim(s)

is/are allowed.

☒ Claim(s) 1-5

is/are rejected.

☐ Claim(s)

is/are objected to.

☐ Claim(s)

are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwata (JP 8-183570) in view of Airlie (UK 2137212) and Lee (Ep 101251).

Iwata et al is applied for the reasons given in the Office action mailed 10/04/02, paper no. 6. Although the examiner has still not been able to get a complete smooth flowing English translation, it is noted that Iwata appears to disclose peel strengths within the recited ranges within the recited temperatures. Thus, Iwata discloses a peel strength greater than 200 g/20mm which is equal to greater than 1 N/cm at ordinary temperatures and a peel strength that falls remarkably to 50 to 0 g/20mm which is .25 N/cm to 0 N/cm (which is less than .1 N/cm at temperatures between 70-100°C. Thus, Iwata teaches applicant's environment, applicant's problem and applicant's solution; i.e., to employ a temperature sensitive adhesive over a vent hole in a microwaveable container for pressure relief which adhesive functions to hold and release in the ranges recited. Iwata even discloses at least some of applicant's adhesives; e.g., synthetic rubber system binders such as acrylic binder, natural rubber system, an SBR system, an NBR system, and IR system. Claims 1 and 2 now recite that the

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adhesive comprises styrene butadiene and acryl based rubber with a rosin or petroleum resin based material. It is not clear if Iwata discloses the particular combination or not. In any case, applicant is not the inventor of the particular adhesive. As evidenced by Airlie and Lee, it was conventional to provide adhesives containing both SBR and acrylic and rosin as a tackifying agent. Since Iwata teaches, at the minimum, an adhesive containing either SBR and acrylic wherein the adhesive has the same peel strength/temperatures properties as is recited and since the particular adhesive system (which itself is a combination of known adhesive ingredients) is conventional, the particular conventional adhesive selected would have been nothing more than a routine determination for one of ordinary skill in the art.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Mizuno ('608) and Tanno et al (Jp '849) for the reasons given in paper no. 6.

Applicant's remarks filed 2/4/03, paper no. 8 have been fully and carefully considered but are not found to be convincing. The remarks are somewhat moot in view of the new ground of rejection. The remarks are also directed to limitations not found in the claims. It is urged that Iwata utilizes a foaming agent. The claims are silent as to whether the claimed adhesive has a foaming agent or not. That is, the claims are comprising claims, not limiting any additional ingredients. Further, it is not clear if it is critical to Iwata to employ a foaming

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agent or not. Also, there is no probative evidence of better results with or without a foaming agent. It is urged that the adhesive layer of Iwata foams gradually and loses its adhesion gradually. This is an assertion, not supported by any evidence. The fact is, that Iwata teaches that the peel strength of the adhesive is within the recited range at both recited temperature ranges. Also, as noted above, applicant is not the inventor of the adhesive composition. Applicant is requested to submit any publications and patents he is aware of concerning the adhesive and its properties.

This action is made FINAL.

Any inquiry concerning this communication from the examiner should be directed to Steven Weinstein whose telephone number is 703-308-0650. The examiner can generally be reached on Monday-Friday 7:00am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 703-308-3959. The fax phone numbers for the organization where this application is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-0661.


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S. Weinstein/mn

April 18, 2003


STEVE WEINSTEIN
PRIMARY EXAMINER 1761
4/21/03